

# MASLON EDELMAN BORMAN & BRAND

MARVIN BORMAN  
CHARLES QUAINANCE, JR.  
NEIL I. SELL  
ROBERT A. ENGELKE  
MARTIN G. WEINSTEIN  
WILLIAM E. MULLIN  
WILLIAM Z. PENTELOVITCH  
JOSEPH ALEXANDER  
MICHAEL L. SNOW  
BARBARA R. HAUSER  
GARY J. HAUGEN  
REBECCA PALMER

MARK BAUMANN  
DAVID F. HERR  
R. LAWRENCE PURDY  
RICHARD G. WILSON  
LAWRENCE M. SHAPIRO  
LUCIA M. COPLAND  
HOWARD B. TARKOW  
WILLIAM M. MOWER  
LARRY A. KOCH  
VIRGINIA A. BELL  
JUSTIN H. PERL  
COOPER S. ASHLEY

1800 MIDWEST PLAZA  
MINNEAPOLIS, MINNESOTA 55402-2591

(612) 339-8015

FAX (612) 339-2818

WRITER'S DIRECT DIAL:

(612) 337-8350

RONALD A. EISENBERG  
MARY R. VASALY  
EDWIN CHANIN  
CLARK T. WHITMORE  
WAYNE S. MOSKOWITZ  
J. BENJAMIN AHRENS  
MALLORY K. MULLINS  
SUSAN D. HOLAPPA  
CHARLES A. HOFFMAN  
RUSSELL F. LEDERMAN  
JOHN H. GILMORE  
SUSAN E. McGRATH  
RICHARD A. KEMPF

MARK W. LEE  
LORRIE L. SALZL  
SUSAN E. OLIPHANT  
ALAN M. BAUDRY  
PATRICIA I. REDING  
ANNA L. KORINKO  
JAMES F. HANNEMAN  
JEANMARIE T. SALES  
ALAN B. GOLDFARB

HYMAN EDELMAN  
OF COUNSEL

SAMUEL H. MASLON  
1901-1988

March 4, 1991

**HAND DELIVERED**

Mr. Frederick K. Grittner  
Clerk of Appellate Courts  
Supreme Court Administrator  
245 Minnesota Judicial Center  
25 Constitution Avenue  
Saint Paul, MN 55155-6102

OFFICE OF  
APPELLATE COURTS

MAR 04 1991

**FILED**

Re: Uniform Local Rules Task Force

Dear Fred:

I am enclosing the original and twelve copies of a table showing the disposition of existing rules. At the time of the hearing on this matter on February 1, Justice Tomljanovich requested that we update this table, and we have now done so.

If you have any questions, please feel free to call me.

Best personal regards.

Yours very truly,



David F. Herr

*Fred took copies*

DFH:ls  
Enclosures

cc: Mr. Michael B. Johnson

**STATE OF MINNESOTA  
IN SUPREME COURT**

**CX-89-1863**

**In re: Supreme Court Task  
Force on Uniform Local Rules**

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**TABLE SHOWING DISPOSITION OF EXISTING  
CODE OF RULES FOR THE DISTRICT COURTS  
MINNESOTA CIVIL TRIALBOOK, AND  
RULES FOR UNIFORM DECORUM**

**Respectfully submitted,**

**MINNESOTA SUPREME COURT TASK  
FORCE ON UNIFORM LOCAL RULES**

OFFICE OF  
APPELLATE COURTS

MAR 04 1991

**FILED**

## LOCAL RULES TASK FORCE

### DISPOSITION OF EXISTING CODE OF RULES FOR THE DISTRICT COURTS

#### Part I. General Rules

<b>Current Rule &amp; Subject</b>	<b>Uniform Rule</b>	<b>Comment</b>
1. Actions by Representatives--Attorneys' Fees	COR117.1	
2. Actions for Death by Wrongful Act	COR117.2	
3. Actions or Claims on Behalf of Infant or Incompetent Person for Personal Injuries--Disposition of Proceeds to be Approved by the Court in all Cases--Procedure Detailed	COR117.3	
4. Attorneys as Sureties	COR167.1	
5. Banks in Liquidation--Sale of Assets--Final Dividends	COR166.2	
6. Continuance	COR140.2	
7. Costs on Motion	None.	The Task Force recommends that no provision be included on this subject, as rules of civil procedure expressly grant courts discretion to determine appropriate costs.
8. Depositions [Eliminated]	None.	This rule was eliminated prior to the Task Force's work. The Task Force recommends that no rule be adopted on this subject.
9. Actions for Dissolution of Marriage	COR311.1	This rule was superseded by Family Court Rules in 1987.
10. Ex Parte Orders	COR107.1	
11. Expert Witness Fees	COR154.1	
12. Filing Orders, Promissory Notes, Checks and Bills of Exchange--Withdrawal of File Papers from Clerk's Custody	COR 177.5 & MRCP 55.01	
13. Attaching Proof of Service	COR105.2	

14. Framing Issues [Eliminated]	None.	This rule was eliminated prior to the Task Force's work. The Task Force recommends that no rule be adopted on this subject.
15. Garnishments and Attachments--Bonds to Release--Entry of Judgment against Garnishee	COR164.1	
16. [Deleted]	None.	No comment necessary.
17. Judgment--Entry by Adverse Party	COR158.2	
18. Mechanic's Lien--Intervention [Eliminated]	None.	This rule was eliminated prior to the Task Force's work. The Task Force recommends that no rule be adopted on this subject.
19. Ne Exeat	COR112.1	
20. Notice of Motion [Eliminated]	None.	This rule was eliminated prior to the Task Force's work. The Task Force recommends that no rule be adopted on this subject. The subject of motion practice, including notice of motions, is now covered by new Rule 107.1 of the Code of Rules.
21. Order to Show Cause	COR165.2	
22. Pleadings	COR160.1	
23. Receivers	COR166.1	
24. Restraining Order--Bond	COR165.1	
25. Service--Admission of Attorney [Eliminated]	None.	This rule was eliminated prior to the Task Force's work. The Task Force recommends that no rule be adopted on this subject.
26. Stay [Eliminated]	None.	This rule was eliminated prior to the Task Force's work. Rule 158.1 does provide for automatic stay.
27. Trials	COR139.2(a) & (d)	
28. Trustees--Accounting--Petition for Appointment	COR172.1	

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| 29. Venue--Change   | None.       | This rule should be repealed as surplusage.                              |
| 30. Actions--For Dissolution of Marriage--Service   | COR302.1(d) |  |
| 31. Civil Jury Cases in which Insurance Company Interested in Defense or Outcome of Action--Examination of Jurors | COR147.1(g) | This rule is now made part of a rule governing voir dire in jury trials. |

Part II. Registration of Land Titles

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| 1. Application--Indorsements   | COR202 |
| 2. Abstracts of Title  | COR203 |
| 3. Title Based Upon an Adjudication Not Final, or Upon Estoppel                                | COR204 |
| 4. [Eliminated]  | None.  |
| 5. Examiner's Report--Petition and Order for Summons   | COR205 |
| 6. Papers to be Filed--Effect of Notice and Appearance   | COR206 |
| 7. Affidavit of No Answer and Clerk's Certificate of Default                                   | COR207 |
| 8. Hearings in Default Cases--Filing Note of Issue and Papers                                  | COR208 |
| 9. Issues Raised by Answer--Reply  | COR209 |
| 10. Trial of Contested Issues  | COR210 |
| 11. Interlocutory Decree Establishing Boundaries   | COR211 |
| 12. Protection of Interests Acquired Pendente Lite--Provision for Immediate Registration After | COR212 |
| 13. Title of Proceedings   | COR213 |
| 14. Trial and Hearing  | COR214 |
| 15. New Certificates, Amendments, etc.   | COR215 |
| 16. New Duplicate Certificate  | COR216 |

# DISPOSITION OF MINNESOTA CIVIL TRIALBOOK PROVISIONS

## Section One - Definitions

<b>Current Rule &amp; Subject</b>	<b>Uniform Rule</b>	<b>Comment</b>
1. Counsel	Deleted	The definition sections of the Trialbook appear unnecessary, and should be repealed.
2. Party	Deleted	"
3. Adversaries	Deleted	"
4. Trial Judge	Deleted	"
5. Counsel	Deleted	"

## Section Two - Settlement Procedures

6. Settlement Procedures	COR116.3(a)
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## Section Three - Pre-Trial Procedure

7. Procedures to be Followed	COR116.3(b)
8. Settlement Discussions with Trial Judge	COR116.3(c)
9. Pre-Trial Chambers Conferences	COR116.3(d)
10. Formal Conference	COR116.3(e)

## Section Four - Jury Procedures

11. Swearing Jurors to Answer	COR147.1(a)
12. Statement of the Case to and Examination of Prospective Jurors	COR147.1(b)
13. Challenges for Cause	COR147.1(c)
14. Peremptory Challenges	COR147.1(d)
15. Voir Dire of Replacements	COR147.1(e)
16. Instructions to Jurors	COR139.1
17. Use of Graphic Devices	COR139.2(a)

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| 18. Matters to be Out of Jury's Hearing      | COR143.2(i) |
| 19. When Exhibits to be Given to Jurors      | COR143.3(g) |
| 20. Exhibits Admitted in Part                | COR143.3(h) |
| 21. Evidence Admitted for a Limited Purpose  | COR143.3(i) |
| 22. Use of Depositions and Interrogatories   | COR143.2(n) |
| 23. Advice to Jury as to Court Expert        | None.       |
| 24. When Jury Instructions to be Submitted   | COR151.1(a) |
| 25. Conference Re Instructions and Verdicts  | COR151.1(b) |
| 26. Specifying Dispositions of Instructions  | COR151.1(c) |
| 27. Stipulations Regarding Further Procedure | COR151.1(d) |
| 28. Changing Jury Instructions               | COR151.1(e) |
| 29. Familiarity with Jurors to be Avoided    | COR4.1(b)   |
| 30. Final Arguments                          | COR139.2(b) |
| 31. Objections to Final Argument             | COR139.2(d) |
| 32. Use of Jury Instructions in Jury Room    | COR151.1(f) |
| 33. Special Verdict Forms                    | COR149.1    |
| 34. Questions by Jurors                      | COR149.2    |
| 35. Polling the Jury                         | COR149.3(a) |
| 36. Discharge of the Jury                    | COR149.3(b) |

This rule is inconsistent with Minn. R. Evid. 706(c), and should be repealed.

Section Five - Exhibits

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| 37. Pre-Trial Exchange of Lists of Exhibits          | COR143.3(a) |
| 38. Counsel to Organize Numerous Exhibits            | COR143.3(b) |
| 39. Marking of Exhibits First Disclosed During Trial | COR143.3(c) |
| 40. Uniform Method of Marking Exhibits               | COR143.3(d) |

The Task Force has proposed a new rule to cover this subject matter.

41. Collections of Similar and Related or Integrated Documents	COR143.3(e)	
42. Oral Identification of Exhibits at First Reference	COR143.3(f)	
43. Return of Exhibits to Clerk	COR143.4(a)	
44. Graphic Devices Used in Argument	COR139.2(b)	
45. Maps, Plans and Diagrams	"	
46. Official Records	None.	Surplusage
47. Sealing and Handling of Confidential Exhibits	COR143.5	

Section Six - Witnesses and Testimony

48. Examination from Counsel Table	COR143.2(a)	
49. Objections to be Succinctly Stated	COR143.2(b)	
50. Response to Objections and Arguments Thereon	COR143.2(b)	
51. Admonition to Witnesses	COR143.2(c)	
52. Questions Not to be Interrupted	COR143.2(d)	
53. Effect of Asking Another Question	COR143.2(e)	
54. Exchange of Information as to Future Scheduling	COR143.1(a)	
55. "On-Call" Witnesses	COR143.1(b)	
56. Completion of Witness' Testimony	COR143.1(c)	
57. Excluding Witnesses	COR143.1(d)	
58. Familiarity to be Avoided	COR4.1(b) & 143.2(h)	
59. Counsel's Use of Blackboard and Paper	COR143.2(g)	
60. Use of Interpreters	COR143.6	
61. Issuance of Warrants	COR143.1(e)	

Section Seven - Role of Court

62. Questioning by Judge	COR143.2(j)	
63. Advice of Court as to Self-Incrimination	COR143.2(k)	
64. Policy Against Indication as to Testimony	COR143.2(l)	
65. Policy on Approaching the Bench	COR143.2(m)	
66. Policy Against Talking, Smoking, Gum Chewing and Eating	COR2.1(b) & 3.1(a)	
67. Policy Against Bizarre Dress	"	
68. Dress of Attorneys and Court Personnel	COR2.1(b)	
69. Requests to the Reporter Addressed to Court	None.	The Task Force does not believe specific rules are necessary on these subject matters.
70. "Off-the-Record" Conferences	None.	
71. Address to Court by Represented Party or Witness	None.	
72. Communication to Court by Party, Witness or Other Person	None.	
73. Argument Addressed to Court	None.	

## DISPOSITION OF RULES FOR UNIFORM DECORUM

Current Rule & Subject	Uniform Rule	Comment
1. Flag	COR2.1(a)	
2. Tobacco; hats and overcoats; conduct of judges and attorneys	COR2.1(b)	
3. Disconcerting or distracting conversation	COR2.1(b)	
4. Formalities in opening court	COR2.1(c)	
5. Reconvening during day	"	
6. Assembly in jury box	COR2.1(d)	
7. Administration of oath	"	
8. Duties	COR2.1(e)	
9. Swearing of witnesses	COR2.1(f)	
10. Manner of administration of oath	COR2.1(g)	
11. Advising clients and witnesses of formalities	COR143.2(c)	Modified
12. Officer of court	COR4.1(a)	
13. Addressing court or jury	COR4.1(b)	
14. Approaching bench	COR4.1(c)	
15. Examination of witnesses	None.	Surplusage
16. Familiarity with witnesses, jurors or opposing counsel	COR4.1(b) & 143.2(h)	
17. Clothing	COR2.1(b)	
18. Objections without argument	COR143.2(b)	Modified
19. Addressing jury	None.	
20. Courtesy and respect toward opposing counsel and witnesses	None.	
21. Interruption of other lawyers; advice to witnesses as to manner of speaking	None.	

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| 22. Demonstrations in connection with verdict     | None.       |
| 23. Dignity                                       | COR3.1(a)   |
| 24. Robe  | COR3.1(a)   |
| 25. Punctuality                                   | COR3.1(b)   |
| 26. Impartiality                                  | COR3.1(c)   |
| 27. Intervention                                  | COR3.1(d)   |
| 28. Swearing of witnesses                         | None.       |
| 29. Addressing lawyers and officers of court      | COR3.1(c)   |
| 30. Decorum in court                              | COR3.1(e)   |
| 31. Accurate record                               | COR3.1(f)   |
| 32. Personal colloquy or argument between lawyers | None.       |
| 33. Critical statements regarding an attorney     | COR 83.1(c) |
| 34. Patience                                      | None.       |
| 35. Comment upon verdict                          | COR3.1(g)   |

This subject is covered by Minn. R. Evid. 603, and no other rule is necessary or desirable.